

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: Marcia Marcoux and Mayor Ardel F. Brede.
C-1	Councilmembers Hanson moved, Nowicki seconded, to adopt Resolution No. 565-04 referring the petition from Stonehedge Development and Residential Development, Inc. for Extension of Sanitary Sewer to serve the Hadley Valley and Morris Hills North properties to the Public Works Department for a feasibility study. Ayes (6), Nays (0). Motion carried.
D-1-27	Councilmembers Stobaugh moved, Means seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the November 5, 2004, Council Meeting.
D-2	See at end of D Items.
D-3	Adopted Resolution No. 566-04 approving a contract with Dunlap & Seeger for Sandy Keith for Legislative and Consulting Services.
D-4	Approved an additional 2005 CDBG funding appropriation to RADAR for room rental related to their annual 9-Ball Classic Wheelchair Tournament.
D-5	Adopted Resolution No. 567-04 awarding the bid to Floyd Larson Construction Company for two new ADA accessible restrooms in the lower level passenger gate area at the Rochester International Airport.
D-6	Adopted Resolution No. 568-04 approving the purchasing of the fuel storage facility from Aerodrome Group, Inc. and accept the 50% State funding grant.
D-7	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Gambling – Temporary</u></p> <p>Rocky Mountain Elk Foundation, Altura, Mn – Raffle at Radisson Hotel – February 12, 2005.</p> <p>Rochester Area Disabled Athletics & Recreation – Raffle at UCR – Sports Arena – April 30, 2005.</p>
D-8	Approved the change in location for the holder of an On-Sale Intoxicating Liquor License – Hy-Pat, Inc. DBA O'Neill's Pizza Pub from 7 Second Street SW to 1201 South Broadway.
D-9	<p>Adopted Resolution No. 569-04 authorizing replacement of remarketing agent for certain bonds issued by the City on behalf of Mayo Foundation.</p> <p>Councilmember Stobaugh noted his working relationship with the Mayo Foundation.</p>

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D-10	Adopted Resolution No. 570-04 authorizing the advertising of bids for Anhydrous Ferric Chloride and Liquid Aluminum Sulfate.
D-11	Adopted Resolution No. 571-04 closing completed improvement projects and transferring unexpended balances pursuant to the City Charter, Section 11.10, and to transfer stated amount to fund active projects.
D-12	Approved Accounts Payable in the amount of \$245,742,263.64 and Investment Purchases in the amount of \$103,418,311.71.
D-13	Adopted Resolution No. 572-04 approving the Letter of Agreement between the State of Minnesota and the City of Rochester regarding the collapse structure rescue program.
D-14	Adopted Resolution No. 573-04 approving the position of Work Planner, Silver Lake Plant, for Jim Ellefson.
D-15	Adopted Resolution No. 574-04 approving the Orderly Annexation #04-19 by Tom Meilander and Perry and Jodi Kronebrusch to annex approximately 10.01 acres of land located south of Pinewood Road and west of 34 th Avenue SE.
D-16	Accepted the donation to the Rochester Police Department of \$2500 from Wal-Mart North for police training expenses.
D-17	Adopted Resolution No. 575-04 approving an Engineering Services Agreement with WHKS & Company for engineering services for Project No. 7700 "Construct Relief Trunkline Sanitary Sewer from the Wastewater Treatment Plant to and Through the Cascade Creek Crossing at 13 ½ Street N.W."
D-18	See at end of D Items.
D-19	Adopted Resolution No. 576-04 authorizing Minor Extra Work Order #42 with Zumbro River Constructors, in the amount of \$36,542.00 for Project No. 9408 (J-2247) "Highway 14/52 Design Build".
D-20	Adopted Resolution No. 577-04 authorizing payment of Supplemental Agreement #1 in the amount of \$13,461.20 with Rochester Sand & Gravel for Project No. 8901-97 (J-9364) "Northern Valley Drive N.E."
D-21	Adopted Resolution No. 578-04 authorizing the Mayor and City Clerk to execute a City/Owner Contract with Hanson & Younge, LLC and Elcor Construction, Inc. for Project No. J-5140 "Basic Construction in Scenic Oaks Fifth Addition".
D-22	Adopted Resolution No. 579-04 approving a Development Agreement with Gary and Janice Mattison for the business known as The Irish Pub on Lot 12, Auditor's Plat D.
D-23	Adopted Resolution No. 580-04 engineering into a professional services agreement with SHE for design services in an amount not to exceed \$29,000 for Project No.

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	J-6004 "Traffic Signal Coordination 55 th Street NW at Chateau Road NW and Adjacent Signals".
D-24	Adopted Resolution No. 581-04 amending the Assessment Roll by deleting the Prow Companies, Inc. property for Project No. J-2261 and executing the Assessment Agreement for Project No. 2261 for Prow Companies.
D-25	Adopted Resolution No. 582-04 approving the designation and use of the floodway onto City property and authorizing the use of City property for a roadway crossing by Waterfront Development LLC in Southern Woods Development Outlot B and Outlot F.
D-26	<p>Adopted Resolution No. 583-04 adding Paragraph 329 to Section B "No Parking" of the Comprehensive Traffic and Parking Resolution Book, to read:</p> <p style="padding-left: 40px;">(329) Fox Knoll Drive SW, between the two intersections with Foxwoods Court SW, on both sides, at all times.</p>
D-27	Adopted Resolution No. 584-04 declaring a negative finding on the need for an Environmental Impact Statement for the Cascade Lake Park Project.
D-28	<p>Adopted Resolution No. 585-04 appointing Ed Hruska to fill the interim position of 1st Ward Councilmember, replacing Dennis Hanson effective January 3, 2005, until the special election is held in March 2005.</p> <p>Ayes (6), Nays (0). Motion carried.</p>
D-2	Councilmember Hanson moved, McConnell seconded, to table the appointment of Jesse Wallace to the Planning and Zoning Commission until the December 6 th meeting to receive further information on the qualifications of Mr. Wallace. Ayes (6), Nays (0). Motion carried.
D-18	<p>Councilmember Nowicki said that the request for a No Parking area was the result of a study to determine if sidewalks should be added to the Teton Lane/11th Avenue N.E. area because the area was hazardous. The committee studying the problem did not feel that the sidewalks were needed but had two recommendations: (1) a white strip on the curve to designate a walking area and (2) make that area no parking. Mr. Nowicki felt that the two recommendations made a safer area.</p> <p>Councilmember Nowicki moved, McConnell seconded, to adopt Resolution No. 586-04 adding Paragraph 330 to Section B "No Parking" of the Comprehensive Traffic and Parking Resolution Book, to read as follows:</p> <p style="padding-left: 40px;">(330) 11th Avenue NE, on both sides adjacent to 1716 11th Avenue NE, at all times.</p> <p>Ayes (6), Nays (0). Motion carried.</p>

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E-1	<p>A Hearing on Zoning District Amendment #04-18 initiated by the City Council to rezone to B-1 or B-4 property located south of Eastwood Road/CR 40 and east of Marion Road, south of the Casey's store.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmember Stobaugh asked what zoning the owner wanted for the property. Brent Svenby, Planning Department, said that the landowner called the Planning Department prior to the Planning Commission meeting requesting the B-4 zoning district as it offered more options for the property. Properties located to the south and north are currently zoned B-1, the Casey's Store to the west is zoned B-4. Four Planning Commission members who voted for the B-1 zoning think that the B-4 would be a downsizing for the area.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to approve Zoning District Amendment #04-18 initiated by the City Council as a B-1 zoning district and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
E-2	<p>A Hearing on Final Plat #04-42 by Forbrook-Bigelow Development to be known as Manor Woods West Fifteenth Subdivision located south of Seventh Street NW, north of Manor Brook Drive NW.</p> <p>Wishing to be heard was Ward Opitz, representing Bigelow Development. Mr. Opitz said that this is the last of the Manorwoods developments. He noted their agreement with the four conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to adopt Resolution No. 587-04 approving Final Plat #04-42 by Forbrook-Bigelow Development to be known as Manor Woods West Fifteenth Subdivision with four conditions. Ayes (6), Nays (0). Motion carried.</p>
E-3	<p>A Hearing on Vacation Petition #04-14 by the Prow Company, Inc., John and Teresa Allers, Dale Eiden and Terrance McGill, to vacate portions of the alley in Conley's Addition located east of 11th Avenue NW, north of Civic Center Drive and southerly of 6th Street N.W.</p> <p>Wishing to be heard was Cedric Schutz, Land Consultants, representing The Prow Company and Kwik Trip. Prow Company is working with Kwik Trip to build another gas station/convenience store in that area. Mr. Schutz said that they have been working with the City for driveway access, vacation of the east-west and north-south alleys. It would be the City's decision to vacate the east side of The Pearl Vision property located on Lots 16, 17 and 18, or could be left as is. Lots 23 and 24, owned by Mary and Eugene Omarro, would be vacated on the north and east sides of the property. The City could vacate the south and west sides. Mr. Schutz said that they would agree to a Development Agreement with the City to have Kwik Trip maintain the alley and keep a shared driveway open for the Omarro's. The</p>

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main entrance for Kwik Trip would be by The Pearl Vision property, from 11th Avenue and two driveways from 6th Street. Mr. Schutz said that they are in agreement with the conditions and will not record the alley vacation until the easement is secured.

Wishing to be heard was David VanDerHeyden, Attorney in Rochester, on behalf of Mr. and Mrs. Omarro and Mr. Nerland. He commented that he was approached late last week to represent these people at the hearing tonight. Mr. VanDerHeyden said he now feels there is a conflict of interest that would not allow him to represent Mr. Nerland, owner of the Pearl Vision property. He said that he and Mrs. Omarro met briefly with Councilmember McConnell, Mr. Prow and Mr. Schutz. Mr. VanDerHeyden said that he was comfortable that Mrs. Omarro and Mr. Prow may reach an agreement involving some cross easements for continued access to the north and east of the Omarro property, including a maintenance agreement that will not involve the City of Rochester. Mr. VanDerHeyden asked that the matter be tabled until the December 6, 2004, meeting to allow Mr. Nerland to be present and to allow for a possible agreement between the Omarros and Mr. Prow for Lots 23 and 24.

Councilmembers McConnell moved, Nowicki seconded, to continue Vacation Petition #04-14 by the Prow Company, Inc., John and Teresa Allers, Dale Eiden and Terrance McGill to December 6, 2004. Ayes (6), Nays (0). Motion carried.

- E-4 A Hearing on Vacation Petition #04-17 by AC PEMWEST, LLC to vacate portions of Technology Drive NW and utility easement for changes in the alignment of Technology Drive NW located east of West Circle Drive NW and west of PEMSTAR.

Wishing to be heard was Josh Johnson, McGhie and Betts. He was available to answer any questions.

Having no one further wishing to be heard, President Hunziker closed the hearing.

Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 588-04 approving Vacation Petition #04-17 by AC PEMWEST, LLC. Ayes (6), Nays (0). Motion carried.

- E-5 A Hearing on Utility Vacation Petition #04-20 by Kenneth Miller to vacate a utility and a drainage easement across Lot 2, Block 1, Glendale Second, located south of Rocky Creek Drive NE and west of 26th Street NE.

Wishing to be heard was Helen Eisenman, 784 26th Street N.E. She said that four of the townhomes will be affected dependent upon the drainage plan. She said that currently drainage is contained in the wetlands. If the wetlands are filled and an adequate drainage plan is not made, their townhomes may be affected.

Wishing to be heard was Mark Engle, Yaggy-Colby Associates. He noted agreement with the two conditions. There is a drainage plan that has been

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	<p>submitted to the City showing stormwater ponds to take care of any drainage issues.</p> <p>Mike Nigbur, Public Works Department, said that they are aware of the townhome sites and will make sure that no drainage impacts them.</p> <p>Richard Freese, Public Works Department, said language should be added to the second condition so that it reads as follows: "The applicant must not record this resolution until such time as the petitioner dedicates a new utility easement and drainage easement for the development that is consistent with the approved drainage report and grading plan".</p> <p>Mark Engle, Yaggy-Colby Associates, noted his agreement with the amended condition.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Nowicki moved, Stobaugh seconded, to adopt Resolution No. 589-04 approving Utility Vacation Petition #04-20 by Kenneth Miller with two conditions including the amended Condition #2. Ayes (6), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Text Amendment #04-05 initiated by the Planning Commission to amend Section 64.113 of the Rochester Zoning Ordinance and Land Development Manual to accommodate the resubdivision of large lots originally built relying on on-site septic systems, through the use of flag lots and lots with no frontage.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to approve Text Amendment #04-05 and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
F-1	<p>Councilmembers Hanson moved, Nowicki seconded, to adopt the Findings of Fact, Conclusions of Law, and Order for Preliminary Plat #04-29, Pine Ridge Estates Sixth). Ayes (6), Nays (0). Motion carried.</p>
F-2	<p>Councilmembers Stobaugh moved, Hanson seconded, to adopt Resolution No. 590-04 approving a Professional Services Agreement with CH2MHill for Engineering Services for Task Order No. 5 during Project No. J-4390 "Construction of Water Reclamation Plant" in an amount not to exceed \$4,500.00. Ayes (6), Nays (0). Motion carried.</p>
F-3	<p>Councilmembers Means moved, Stobaugh seconded, to adopt Resolution No. 591-04 approving the 2005 Department Head Wage and Benefits as recommended by the City Administrator. Ayes (6), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Rezoning Approximately 13,650 Square Feet of Property From the B-1 and B-4 Zoning Districts to the B-1 Zoning District, and Amending Ordinance</p>

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 29 – November 15, 2004

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	<p>No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (South of Eastwood Road, East of Marion Road, South of Casey's Store – Zoning District amendment #04-18)</p>
G-2b	<p>An Ordinance Amending and Reenacting Section 64.113 of the Rochester Code of Ordinances, Relating to Flag and Zero Frontage Lots, was given a first reading. (Text Amendment #04-05)</p>
G-3a	<p>An Ordinance Annexing to the City of Rochester Approximately .89 Acres of Land Located in Lot 3, Osjor Estates Third Subdivision, Township 107 North, Range 13 West, Olmsted County, Minnesota, was given a second reading. Councilmembers Hanson moved, Nowicki seconded, to adopt the Ordinance as read. Ayes (6), Nays (0). Motion carried.</p>
G-3b	<p>An Ordinance Amending and Reenacting Section 65.510 of the Rochester Code of Ordinances, Relating to the Termination of Nonconforming Signs, was given a second reading. Councilmembers McConnell moved, Stobaugh seconded, to adopt the Ordinance as read. Ayes (6), Nays (0). Motion carried.</p>
J-1	<p>Having no further business, Councilmembers Stobaugh moved, Nowicki seconded, to adjourn the meeting. Ayes (6), Nays (0). Motion carried.</p>



City Clerk